

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 YE LI AS TRUSTEE OF THE 688 LEE
4 FAMILY TRUST;

5 Plaintiff,

6 *vs.*

7 WU YUYING, an individual;

8 Defendant.

Case No.: 2:22-cv-00038-JCM-EJY

9 **~~[PROPOSED]~~ ORDER EXTENDING TIME FOR SERVICE (SECOND)**

10 Plaintiff YE LI (“Plaintiff” or “Li”) filed his Complaint for Quiet Title on January
11 7, 2022 (ECF N. 1). The Summons was issued on January 21, 2022. (ECF No. 7).

12 On April 25, 2022, the Clerk issued a Notice Regarding Intention to Dismiss
13 Under Rule 4(m) of the Federal Rules of Civil Procedure. (ECF No. 8). On May 1, 2022,
14 Li filed a Motion to Extend Time for Service in response to the Clerk's Notice. (ECF No.
15 10). On May 10, 2022, this Court granted an Order to Extend Time for Service. (ECF
16 No. 11).

17 An individual in a foreign country may be served “by any internationally
18 agreed means of service that is reasonably calculated to give notice, such as those
19 authorized by the Hague Convention on the Service Abroad of Judicial and
20 Extrajudicial Documents.” FRCP 4(f)(1).

21 “If a defendant is not served within 90 days after the complaint is filed, the court
22 —on motion or on its own after notice to the plaintiff—must dismiss the action
23 without prejudice against that defendant or order that service be made within a
24 specified time.” FRCP 4(m). However, “subdivision (m) does not apply to service in
25 a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under
26 Rule 71.1(d)(3)(A).” *Id.* If a plaintiff shows good cause for failing to file the complaint
27 within 90 days after the complaint is filed, “the court must extend the time for service
28 for an appropriate period.” FRCP 4(m) (emphasis added).

1 Rule 4(m) does not apply here because Yuying is an individual residing in
2 China. As such, Li may serve Yuying under FRCP 4(f). Based on the affidavit of Maria
3 Gutierrez, President of Judicial Process and Support, Inc., this Court finds Plaintiff
4 Li has acted diligently in his efforts to effect serve upon Yuying in China under
5 FRCP 4(f) and the Hague Convention. This Court finds that ten (10) months is an
6 appropriate period for Plaintiff to serve Defendant.

7 Therefore, the time to serve Defendant WU YUYING within the Summons
8 and Complaint is hereby extended an additional ten months, to and including the
9 30th day of September 2023. If Plaintiff requires additional time, he must file a
10 motion before the deadline to serve Defendant, setting forth the efforts taken to
11 attempt service and setting forth good cause for extending the deadline further.

12 IT IS SO ORDERED.

13 DATED this 1st day of December, 2022.

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16 UNITED STATES MAGISTRATE JUDGE
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